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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,614	06/27/2003	John F. Peck JR.	1-73988	8031
27377	7590	05/06/2004		
MACMILLAN, SOBANSKI & TODD, LLC ONE MARITIME PLAZA-FOURTH FLOOR 720 WATER STREET TOLEDO, OH 43604				
			EXAMINER COLETTA, LORI L	
			ART UNIT 3612	PAPER NUMBER

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,614

Applicant(s)

PECK ET AL.

Examiner

Lori L. Coletta

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-14, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 6-8, 15-17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06272003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

“acute angle α ” (page 4, lines 11 and 18) needs to be changed to --acute angle a --, as shown in Figure 4.

Appropriate correction is required.

Claim Objections

2. Claims 1-20 are objected to because of the following informalities:

Regarding claim 1, “an instrument panel of a vehicle” (line 4) needs to be changed to --the instrument panel of the vehicle--. “an engagement surface of an opening” (line 14) needs to be changed to --the engagement surface of the opening--.

See same deficiencies in claim 9 (lines 4 and 13) and 18 (line 4).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Zipperle et al. 6,131,242.

Regarding claim 1, Zipperle et al. '242 discloses a glove box door assembly for a glove box provided in an opening of an instrument panel of a vehicle defining an engagement surface, the glove box door assembly comprising a door body rotatably attached to an instrument panel of a vehicle about an axis of rotation, the door body having an inner surface and an outer surface; a bin extending outwardly from the inner surface of the door body, the bin having an outer wall; and a damper extending outwardly from the outer wall of the bin, the damper including a damper surface; wherein the glove box door assembly is moveable between a closed position and an open position; wherein the damper surface is disposed at an acute angle relative to a plane substantially perpendicular to the axis of rotation; and wherein the damper surface engages an engagement surface of an opening of the instrument panel to decelerate the glove box door assembly when the glove box door assembly moves from the closed position to the open position.

Regarding claim 2, Zipperle et al. '242 discloses the glove box door assembly, wherein the engagement surface of the opening of the instrument panel flexes when the door assembly moves from the closed position to the open position.

Regarding claim 3, Zipperle et al. '242 discloses the glove box door assembly, wherein the damper surface flexes when the door assembly moves from the closed position to the open position.

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Regarding claim 4, Zipperle et al. '242 discloses the glove box door assembly, wherein the damper surface frictionally engages the engagement surface of the opening of the instrument panel to decelerate the glove box door assembly when the door assembly moves from the closed position to the open position.

Regarding claim 9, Zipperle et al. '242 discloses a glove box door assembly for a glove box provided in an opening of an instrument panel of a vehicle defining an engagement surface, the glove box door assembly comprising a door body rotatably attached to an instrument panel of a vehicle about an axis of rotation, the door body having an inner surface and an outer surface; a bin extending outwardly from the inner surface of the door body, the bin having an outer wall; and a damper integrally formed with and extending outwardly from the outer wall of the bin, the damper including a damper surface; wherein the glove box door assembly is movable between a closed position and an open position; wherein the damper surface is disposed at an acute angle relative to a plane substantially perpendicular to the axis of rotation; and wherein the damper surface engages an engagement surface of an opening of the instrument panel when the door assembly is moved between the closed position and the open position. It has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding.

Regarding claim 10, Zipperle et al. '242 discloses the glove box assembly, wherein the damper surface engages the engagement surface of the opening of the instrument panel to decelerate the glove box door assembly when the door assembly moves from the closed position to the open position.

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Regarding claim 11, Zipperle et al. '242 discloses the glove box assembly, wherein the engagement surface of the opening of the instrument panel flexes when the door assembly moves from the closed position to the open position.

Regarding claim 12, Zipperle et al. '242 discloses the glove box door assembly, wherein the damper surface flexes when the door assembly moves from the closed position to the open position.

Regarding claim 13, Zipperle et al. '242 discloses the glove box door assembly, wherein the damper surface frictionally engages the engagement surface of the opening of the instrument panel to decelerate the glove box door assembly when the door assembly moves from the closed position to the open position.

5. Claims 18 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Hogan et al. 6,582,002.

Regarding claim 18, Hogan et al. '002 discloses a glove box door assembly provided in an opening of an instrument panel of a vehicle defining an engagement surface, the glove box door assembly comprising a door body rotatably attached to the instrument panel of the vehicle about an axis of rotation, the door body having an inner surface and an outer surface; a bin extending outwardly from the inner surface of the door body, the bin having an outer wall; and a stop (70) integrally formed with and extending outwardly from the outer wall of the bin, the stop including a stop surface; wherein the glove box door assembly is movable between a closed position and an open position; and wherein in the open position, the engagement surface of the stop engages an inner surface of the instrument panel. It has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding.

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Regarding claim 20, Hogan et al. '002 discloses the glove box door assembly, wherein the stop (70) is formed of a substantially resilient material (column 4, lines 58-61).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zipperle et al. 6,131,242 in view of Fero 2004/0066053.

Regarding claims 9 and 14, Zipperle et al. '242 discloses the glove box door but does not show a reinforcement panel disposed between the door body and the bin.

Fero '053 teaches reinforcement panel (28) disposed between the door body(30) and the bin (26) in Figure 2.

Regarding claims 9 and 14, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make glove box door assembly of Zipperle et al. '242 with a reinforcement panel disposed between the door body and the bin, as taught by Fero '053, in order to provide structural support in the event of a knee impact.

Allowable Subject Matter

8. Claims 6-8, 15-17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other glove box door assemblies similar to that of the current invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.

The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lori L. Coletta
Examiner
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April 30, 2004